

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Thomas Cook; Megan Dresch; Laura
Galaburda; Jack Glover; David Hall; Monica
Hill; Jenny Lynn Kopfstein; Jennifer McGinn;
Justin Peacock; James E. Pietrangelo II; Derek
Sparks; Stacy Vasquez,

Plaintiffs,

v.

Donald H. Rumsfeld, Secretary of Defense;
Michael Chertoff, Secretary of Homeland
Security; United States of America,

Defendants.

Civil Action No. 04-12546 GAO

NOTICE OF APPEAL

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June 21, 2006

Notice is given that Plaintiffs Thomas Cook, Megan Dresch, Laura Galaburda, Jack Glover, David Hall, Monica Hill, Jenny Lynn Kopfstein, Jennifer McGinn, Justin Peacock, Derek Sparks, and Stacy Vasquez—that is, all named Plaintiffs excluding James E. Pietrangelo II—hereby appeal to the United States Court of Appeals for the First Circuit from the Memorandum and Order of the District Court for the District of Massachusetts, entered in this case by Judge George A. O’Toole, Jr., on April 24, 2006, ordering that Defendants’ Motion to Dismiss the Complaint is allowed and that the Complaint is dismissed.

At the time of the filing of this Notice of Appeal, a motion remains pending in the District Court. On May 4, 2006, Plaintiff James E. Pietrangelo II filed a “Motion for Reconsideration”; the District Court has not yet disposed of that Motion, nor has the Court indicated whether it will construe the Motion as one to alter or amend the judgment under Federal Rule of Civil Procedure 59(e). If the District Court considers the Motion under Rule 59(e), then this Notice of Appeal becomes effective when the Court enters an order disposing of the Motion. *See* Fed. R. App. P. 4(a)(4)(B)(i). If the District Court treats the Motion as one brought under some rule other than those listed in Federal Rule of Appellate Procedure 4(a)(4)(A), then this Notice of Appeal is due 60 days after the April 24, 2006, Memorandum and Order were entered—that is, on June 23, 2006.

The parties to the Memorandum and Order appealed from and the names and addresses of their respective attorneys are as follows:

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Respectfully submitted,

Thomas Cook; Megan Dresch; Laura
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By: /s/ Louis W. Tompros
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Dated: June 21, 2006

CERTIFICATE OF SERVICE

I, Louis W. Tompros, hereby certify that I caused a copy of the Notice of Appeal to be served on the following parties by the methods indicated:

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Dated: June 21, 2006